

### REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 35-40, 42-48, 51, 53, 55-57, 59-62, 64-66, and 74-94 are pending in the application, with claims 81-94 being new.

#### **Allowable Subject Matter**

Applicant notes with appreciation the indication on page 19 of the Office Action that claims 35, 43-47, 51, and 76-80 are allowed.

#### **35 U.S.C. §§ 102 & 103 Rejections**

Claims 36-40, 48, 53, 55-57, 59-62, 64-66, and 74-75 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,567,482 to Papovic (hereinafter "Papovic"). Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Papovic in view of U.S. Patent 6,836,469 to Gustafsson et al. (hereinafter "Gustafsson"). Applicant respectfully traverses this rejection, as detailed below.

MPEP § 2131 sets forth the standard for a Section 102 rejection:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)).

In addition, "the reference must be enabling and describe the applicant's invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Under the 35 U.S.C. § 102 anticipation standard outlined above, Applicant respectfully submits that Papovic fails to anticipate at least the claimed feature of “receiving a dynamically adjustable parameter defining allowed access slots of a physically existing random access channel,” as detailed below.

Papovic does not set forth a new random access scheme, but rather, focuses on the use of one or more complementary sequences (e.g., Golay pairs of sequences) to provide more accurate and efficient synchronization between radio transceivers. (See, e.g., Papovic, Abstract.) Papovic then applies these techniques in the context of a conventional random access channel (RACH) scheme based on the slotted ALOHA approach. (See, e.g., Papovich, col. 13, lines 14-24.) As such, Papovic merely discusses the conventional RACH scheme that Applicant’s disclosure improves upon. As noted in the Background section of Applicant’s specification, this conventional RACH scheme has several drawbacks, which the claimed embodiments addresses.

For example, in this conventional RACH scheme, “only a subset of all possible PRACH and AICH access slots is used, which limits the capacity of the RACH.” (See, e.g., Applicant’s Background section, paragraph [0005].) This subset is predetermined for each cell, and, accordingly, each cell typically broadcasts its subset to mobile stations in the vicinity. As Papovic puts it, “[i]nformation on what access slots are available in the current cell is broadcast by the base station on a downlink broadcast channel.” (Papovic, col. 13, lines 25-28; see also, step 220 of FIG. 9.)

In contrast, Applicant has amended independent claim 36, for example, to more particularly recite that the claimed parameter defining allowed access slots of the physically existing random access channel is “dynamically adjustable.” In this way, the claimed embodiments provides for the number of allowed access slots to be defined by the network and changed dynamically, e.g., based on random access messaging load and hardware requirements.

(See, e.g., Applicant's specification, paragraph [0105].) Accordingly, the capacity of a single RACH channel can be used more efficiently so that multiple RACH channels per cell are not required. (See, e.g., Applicant's specification, paragraph [0006].) As noted above, Papovic uses the conventional, fixed access slot appropriation scheme. While the number of access slots and the particular access slots used may vary by cell (hence why Papovic broadcasts the access slots available in the current cell), they are not dynamically adjustable as in the claimed embodiments.

The remaining independent claims (i.e., claims 37, 53, 55, 64, 74, 75) recite related subject matter to the above-identified independent claim 36, and are therefore allowable for reasons similar to those given above. Further, the dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination. For example, the distinctions noted above are made even further evident in newly added dependent claims 81-94.

**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

**Deposit Account Authorization**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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Attachment(s): (none)